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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,569	02/08/2002	Steven M. Maus	150-9RE	2579

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KEUSEY, TUTUNJIAN & BITETTO, P.C.
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EXAMINER

DANG, HUNG XUAN

ART UNIT PAPER NUMBER

2873

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,569

Applicant(s)

MAUS ET AL.

Examiner

Hung X Dang

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-17, and 19-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The references cited in the original patent have been cited in the reissue application on a Formed PTO-892 or PTO 1449.

Original Patent Required Prior To Allowance

2. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178

Defective Reissue Oath/Declaration, 37 CFR 1.175 (a)

(1)- No Statement Of Defect In The Patent

3. The reissue oath/declaration filed with this application is defective because it fails to contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid. See 37 CFR 1.175(a)(1) and see MPEP § 1414.
 - a) Fails to allege that the original patent is inoperative or invalid.

Defective Reissue Oath/Declaration, 37 CFR 1.175 (a)

(1)- No Statement Of Specific Error

4. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

Rejection, Defective Reissue Oath or Declaration

5. Claims 1-105 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the Declaration is set forth in the discussion above in this Office action.

Claims Rejection Under 35 USC 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner could not find the support for the newly added claims 19-26 and 49-56 at col. 19, line 60 through col. 20, line 60 and/or (FIGS. 3, 3A, 3C and 3D) as stated in the Applicant remarks.

The Examiner could not find the support for the newly added claims 27, 28, 57 and 58 find support in the specification at least at col. 8 lines 30-38, and col. 23 lines 1-8 (FIGS. 1A) as stated in the Applicant remarks.

The Examiner could not find the support for the newly added claims 30-31, 34-37, and 41-48 find support in the specification at least at col. 7 lines 1-63 as states in the Applicant remarks.

The Examiner could not find the support for the newly added claims 29, 30, 59, 78 and 101 find support at least at col. 15 lines 58-65 as states in the Applicant remarks.

The Examiner could not find the support for the newly added claims 60-77 and 79-82 and claims 83-100 and 102-105 find support in the specification at least at col. 19, line 1 to col. 24, line 43 (FIGS. 4B, 4C and 4D) as states in the Applicant remarks.

Claims Rejection Under 35 USC 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "Said paired lenses being suited as a unit of transfer in a multi-step automated manufacturing process comprising at least said paired lenses comprising the elements of: (a) two thermoplastic injection molded spectacle lens joined into a pair" is not understood by Examiner.

In claim 1, "(b) a cold runner [having a sprue] connecting [therebetween] a left lens and a right lens in each pair, said cold runner being formed after molten

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thermoplastic flow and [from said sprue in fluid communication with said left lens and said right lens is stopped and [then cooling to solidification] joins together the lenses into a pair when cooled," is not understood what applicant want to deleted.

Allow Subject Matter

8. Claim 18 allowed.

9. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

3/04

A handwritten signature in black ink, appearing to read "Hung Dang". The signature is stylized with a large "H" and a long, sweeping "g".

HUNG DANG

PRIMARY EXAMINER

TC 2800